

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA
ex rel. DONALD R. GALMINES

BRINGING THIS ACTION ON BEHALF
OF THE UNITED STATES OF AMERICA,
THE STATES OF CALIFORNIA, DELAWARE,
HAWAII, ILLINOIS, INDIANA, LOUISIANA,
MASSACHUSETTS, MICHIGAN, NEVADA,
NEW HAMPSHIRE, NEW MEXICO,
TENNESSEE, THE COMMONWEALTH OF
VIRGINIA, AND THE DISTRICT OF
COLUMBIA

Plaintiffs,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

Civil Action No.: 06-3213

Honorable Gene E. K. Pratter

**NOTICE OF STATE OF FLORIDA'S POSITION ON DEFENDANT'S MOTION TO
DISMISS**

Now comes the State of Florida, Office of the Attorney General, Department of Legal Affairs ("Department"), by and through its undersigned attorney, and respectfully gives Notice to this Court of the State of Florida's Position on Defendant's Motion to Dismiss and states:

1. On or about May 18, 2009, Plaintiff and Relator, Donald R. Galmines, filed a Notice of Dismissal of Claims on Behalf of the States of Florida and Texas Pursuant to FRCP Rule 41(a). By filing this Notice, Plaintiff Galmines voluntarily dismissed without prejudice his claims on the behalf of the State of Florida (Count V of Plaintiff's Complaint filed on July 21, 2006).

2. When this action became unsealed, Plaintiff Galmines served his original qui tam complaint filed July 21, 2006, which mistakenly brought claims on behalf of the State of Florida, even though Florida had been dismissed from the Complaint on or about May 18, 2009.

3. On or about May 13, 2011, Defendant filed a Motion to Dismiss Relator's Complaint, in which Defendant made arguments to dismiss allegations made by Plaintiff Galmines on behalf of the State of Florida.

4. Since Plaintiff Galmines dismissed Florida from his qui tam complaint on May 18, 2009, any arguments made by Defendant in its Motion to Dismiss are moot.

Wherefore, the State of Florida respectfully gives notice to this Court that Plaintiff Galmines has voluntarily dismissed all claims on behalf of the State of Florida, thus any arguments made by Defendant in its Motion to Dismiss are moot. The State of Florida respectfully requests that this Court refrain from entering any ruling on any claims regarding the State of Florida that have been voluntarily dismissed.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "J. Blake Hunter", is written over a horizontal line.

J. Blake Hunter
Assistant Attorney General
Fla Bar No.: 0570788
Office of the Attorney General
Medicaid Fraud Control Unit
PL-01, The Capitol
Tallahassee, Florida 32399-1050
Telephone: 850-414-3746
Facsimile: 850-414-0179